

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KEITH HARTBAUER,  
Plaintiff,

v.

PETERS TOWNSHIP SCHOOL DISTRICT,  
DR. THOMAS HAJZUS, RICHARD RELICH,  
TIMM MACKLEY,  
Defendants.

07cv0620

**ELECTRONICALLY FILED**

**ORDER OF COURT**

By Order of this date (doc. no. 11), this Court held:

**AND NOW**, this 8<sup>th</sup> day of August, 2007, **IT IS HEREBY ORDERED** that defendants' motion to dismiss (doc. no. 6) **IS DENIED** without prejudice to defendants raising the issues set forth therein in a motion for summary judgment at the appropriate time following discovery.

Said Order is **HEREBY MODIFIED** as follows:

Defendants are correct that punitive damages are not available against municipalities and political subdivisions, *City of Newport v. Fact Concerts, Inc.*, 453 U.S. 247 (1981), and to that extent, as plaintiff stipulates, Defendants' motion to dismiss punitive damages claims against the School District and its officials in their official (but not in their individual) capacities is **GRANTED**. See *Smith v. Wade*, 461 U.S. 30 (1983).

s/ Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge

cc: All ECF registered counsel